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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,125	10/16/2001	David R. Cheriton	57002	5517

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THE LAW OFFICE OF KIRK D. WILLIAMS
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EXAMINER

PARK, JUNG H

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,125

Applicant(s)

CHERITON, DAVID R.

Examiner

Jung Park

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,8-11,13,15-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,8-11,13,22 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 15-18 and 23 is/are rejected.
- 7) ☒ Claim(s) 19-21 and 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Remark

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn because claims 31-33 were inadvertently left out. The Amendment of 6/29/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 15-18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Merchant et al. (U.S. 5,408,463, hereafter "Merchant").

Regarding claims 15 and 23, Merchant discloses the system of claim 15 and the method of claim 23. Merchant discloses, "a packet switching system [and a method] comprising:

- a packet stream splitter (111-1 fig. 1; col.2, ln.67-col.3, ln.2 where the first interface as a splitter provides a first and second packet streams to the switch modules 101 & 102); and
- a first and a second configurable filters (101 & 102 fig.1; col.2, ln.53-60; col.4, ln.57-62) coupled to the packet stream splitter (as shown in fig. 1), the first and the second configurable filters each including a normal operating state (note: normal operating state is equivalent to working state, therefore, initial state of the filters is normal operating state, otherwise the filter function is not operable);

- wherein the packet stream splitter is configured to provide a received packet stream to each of the first and the second configurable filters (*fig. 1 where the first interface 111-1 provides a received packet from an input line 110-1 to 101 & 102*); and
- wherein when the first and the second configurable filters are in their respective normal operating states: a particular packet is forwarded only by one of the first and the second configurable filters (*fig. 1; col. 3, ln. 55-62 where one of modules 101 & 102 is selected by the selector 119 so that the output packet through interface 122-1 is a particular packet forwarded only by one of the modules*) and both the first and second configurable filters are configured to forward at least one packet (*fig. 1; col. 3, ln. 55-62 where the modules 101 & 102 are configured to be selected by the selector so that at least one packet is forwarded by the modules*)."

Regarding claim 16, Merchant further discloses, "the first configurable filter further includes an all packet forwarding state, wherein the first configurable filter is configured to switch between the normal operating state and the all packet forwarding state in response to a signal (*col. 2, ln. 46-49 because the switch modules are arranged to operate for tolerance purposes, the first module (filter) is configured to forward/drop all packets when it receives a control signal in response to a detected error or fault condition*)."

Regarding claim 17, Merchant further discloses, "the signal is generated in response to detection of an error condition affecting a set of packets forwarded by the second configurable filter (*col. 2, ln. 46-49 where the failure of a first active module (filter) affects a set of packets forwarded by the standby module*)."

Regarding claim 18, Merchant further discloses, "wherein the second configurable filter further includes an all packet blocking state, wherein the second configurable filter is configured to switch between the normal operating state and the all packet blocking state in response to the signal (*col.2, ln.46-49 where the active module also blocks all packets when it receives an error detecting signal and the operating state is changed between active and standby*)."

Allowable Subject Matter

4. Claims 1, 6, 8-11, 13, 22, 29-33 are allowed.
5. Claims 19-21 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 6/29/06 have been fully considered but they are not persuasive.

In page 9, applicant argues, "the Office failed to address each and every claim limitation in the first Office action, and therefore failed to present even a prima facie of a proper rejection of independent claims 15 and 23." In reply, the examiner believes that first Office action address each and every claim limitations. What claim limitations were not taught?. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims,

including any newly presented claims, patentable over any applied references. (See Patent Rules 1.111).

In page 9, applicant argues, "the Office's new grounds of rejection for claims 15 and 23 is improper." In reply, the same reference by Merchant is used, thus it is not a new ground of rejection and the rejection is proper.

In page 10, applicant requests the Office cite the specific text of the reference. In reply, the examiner cites columns and lines for figures.

In page 10, referring to page 12 of Amendment A, applicant argues, "the switch modules of Merchant do not filter packets and not have an all packet blocking state." In reply, the claims do not require filtering packets and the blocking state argument is irrelevant because the claims do not require blocking state.

In page 10, applicant argues, "the Office cites the wrong patent number for Pitcher". In reply, the patent number is corrected in this Office action. Applicant needs to look at the PTO-892 which cites the correct number, assuming typo errors in the Office action.

In pages 10 and 11, applicant argues that the reference does not teach or suggest all the recited claim limitations of claims 15 and 23. The examiner believes that the Office action meets all the recited claim limitations as rejected in claims 15 and 23. Claim 15 recites "wherein the first and the second configurable filters each including a normal operating states (*note: normal operating state is equivalent to working state, therefore, initial states of the switch modules (filters) are normal operating states, otherwise the functions of switch modules are inoperable*).". Claims 15 and 23 recite, "wherein a particular packet is forwarded only by one of the first and the second configurable filters (*fig.1; col.3, ln.55-62 where one of modules 101 & 102 is selected by the selector 119 so that the output*

packet through interface 122-1 is a particular packet forwarded only by one of the modules) and both the first and second configurable filters are configured to forward at least one packet (fig.1; col.3, ln.55-62 where the modules 101 & 102 are configured and selected by the selector so that at least one packet is forwarded by the modules)."

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:10-4:40.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

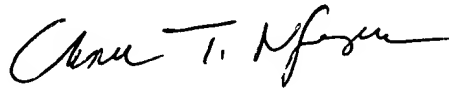
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park
Patent Examiner



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